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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,708	12/15/2000	Tomoyuki Asano	450101-02456	3247

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,708

Applicant(s)

ASANO ET AL.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are pending in the application.
2. Claims 1-24 have been rejected.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Copy Protection Using Detailed Reproduction Control Information.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 5 recites the limitation, "said input means in said second data processing apparatus stores receives said first reproduction control information stored in the header section of a transmission signal". It is unclear to the examiner if the input means stores or receives the first reproduction control information. For the sake of examining, the examiner assumes that the inputs means receives and then stores the first reproduction control information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 and 10-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Shima U.S. Patent No. 5,673,357.

As to claim 1, Shima discloses a data processing system comprising:

the first data processing apparatus having a setting means that sets the first reproduction control information showing the reproduction control state of data and the second reproduction control information showing the reproduction control state of the data set in greater detail than the first reproduction control information and an output means that outputs the first reproduction control information, the second reproduction control information and the data [column 11, lines 11-46]; and the second data processing apparatus having an input means that inputs the first reproduction control information showing; the reproduction control state of data and the second reproduction control information showing the reproduction control state of the data set in greater detail than the first reproduction control information and the data and a controlling means of reproduction that determines the reproduction control state of the data based on the first reproduction control information and second reproduction control information inputted by the input means and controls the reproduction of the data according to the determination result [column 12, lines 12-60].

As to claim 2, Shima discloses that the data processing system further comprises the third data processing apparatus having an input means that inputs the first reproduction control

information showing the reproduction control state of data. Shima discloses that the second reproduction control information defines the reproduction control state of the data in greater detail than the first reproduction control data and the data. Shima discloses a controlling means of reproduction that determines the reproduction control state of the data based only on the first reproduction control information among the first reproduction control information and the second reproduction control information inputted by the input means, and controls the reproduction of the data according to the determination result [column 12 line 61 to column 13 line 10].

As to claim 3, Shima discloses that the setting means in the first data processing apparatus sets the first reproduction control information based on the detailed reproduction state of data constituting the second reproduction control information [column 13, lines 32-44].

As to claims 4, 14, 17 and 21, Shima discloses that the output means stores the first reproduction control information in the header section of transmission signals and the second reproduction control information and the data in the data section of the transmission signals to create transmission signals and to output the same [column 13, lines 32-44].

As to claim 5, Shima discloses that the input means in the second data processing apparatus stores, receives the first reproduction control information stored in the header section of a transmission signal and the second reproduction control information and data stored in the data section of the transmission signals and inputs the first reproduction control information, the second reproduction control information and the data [column 13, lines 32-44].

As to claims 6, 8, 18 and 22, Shima discloses that the reproduction control means renews the reproduction control state for reproducible data according to the determination result and controls the reproduction of the data [column 14, lines 19-34].

As to claim 7, Shima discloses that the input means in the third data processing apparatus receives the first reproduction control information stored in the header section of a transmission signal and the second reproduction control information and the data stored in the data section of the transmission signal and inputs the first reproduction control information and the second reproduction control information and the data [column 13, lines 32-44].

As to claim 10, Shima discloses a data processing method comprising the steps of:

creating the second reproduction control information defining more roughly the reproduction control state than the first reproduction control information based on the first reproduction control information defining the reproduction control state of data to be transmitted [column 11, lines 11-46];

storing the second reproduction control information of the data in the packet header of the data packet carrying the data and storing the first reproduction control information in the data [column 13, lines 32-44];

and transmitting simultaneously the first reproduction control information and second reproduction control information as well as the data [column 14, lines 1-18].

As to claims 11, 15, 19 and 23, Shima discloses that the first reproduction control information is information showing one of a plurality of reproduction control states and the second reproduction control information is information showing one of a larger number of

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reproduction control states than the reproduction control states shown by the first reproduction control information. Shima discloses that each of the reproduction control states indicated by the second reproduction control information is linked with one of the reproduction control states shown by the first reproduction control information.

As to claim 12, Shima discloses a data processing apparatus comprising:

a setting means that sets the first reproduction control information showing the reproduction control state of data and the second reproduction control information showing the data set in greater detail than the first reproduction control information [column 12, lines 12-60];

and an output means that outputs the first reproduction control information, the second reproduction control means and the data [column 14, lines 1-18].

As to claim 13, Shima discloses that the setting means sets the first reproduction control information of data of data based on the second reproduction control information constituting detailed reproduction control state of data.

As to claims 16 and 20, Shima discloses a data processing apparatus comprising:

an input means that inputs the first reproduction control information showing the reproduction control state of data, the second reproduction control information showing the reproduction control state of the data set in greater detail than the first reproduction control information and the data [column 12, lines 12-60];

and a reproduction control means that determines the reproduction control state of the data based on the first reproduction control information and the second reproduction control information inputted by the input means and controls the

reproduction of the data according to the determination result [column 14, lines 35-42].

As to claim 24, Shima discloses an information signal processed by a data processing apparatus that records data, the information signal comprising:

the first reproduction control information showing the reproduction control state of data [column 12, lines 12-60];

the second reproduction control information showing the reproduction control state of the data set in greater detail than the first reproduction control information [column 14, lines 1-18];

and the data proper [column 14, lines 1-18].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shima U.S. Patent No. 5,673,357 as applied to claim 1 above, and further in view of Tanaka et al U.S. Patent No. 6,298,355 B1.

As to claim 9, Shima does not teach that the first reproduction control information is information showing one of a plurality of reproduction control states and the second reproduction control information is information showing one of a larger number of reproduction control states than the reproduction control states shown by the first reproduction control

information. Shima does not teach that each of the reproduction control states indicated by the second reproduction control information is linked with any one of the reproduction control states shown by the first reproduction control information.

Tanaka et al teaches that the first reproduction control information is information showing one of a plurality of reproduction control states and the second reproduction control information is information showing one of a larger number of reproduction control states than the reproduction control states shown by the first reproduction control information. Tanaka et al teaches that each of the reproduction control states indicated by the second reproduction control information is linked with any one of the reproduction control states shown by the first reproduction control information [column 5, lines 1-52].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shima so that the first reproduction control information would have been information showing one of a plurality of reproduction control states and the second reproduction control information would have been information showing one of a larger number of reproduction control states than the reproduction control states shown by the first reproduction control information. Each of the reproduction control states would have been indicated by the second reproduction control information that was linked with any one of the reproduction control states shown by the first reproduction control information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Shima by the teaching of Tanaka et al because it provides a computer system capable of executing a data copy on main storage with efficiency in

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asynchronism with and independently of the operation of each of the processors [column 2, lines 36-43].

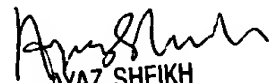
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
June 1, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100